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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,549	03/03/2005	Junshi Sakamoto	038922.55989US	9217
23911 . 75	90 11/21/2006		EXAMINER	
CROWELL & MORING LLP			FOOTLAND, LENARD A	
INTELLECTUAL PROPERTY GROUP P.O. BOX 14300		ART UNIT	PAPER NUMBER	
2.0.2011	N, DC 20044-4300		3682	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Appl	ication No.	Applicant(s)				
	10/5	26,549	SAKAMOTO, JUI	SAKAMOTO, JUNSHI			
Office Action Summary		niner	Art Unit				
	Lena	rd A. Footland	3682				
The MAILING DATE of this comm Period for Reply	unication appears o	n the cover sheet v	with the correspondence a	ddress			
A SHORTENED STATUTORY PERIOD WHICHEVER IS LONGER, FROM THE - Extensions of time may be available under the provising after SIX (6) MONTHS from the mailing date of this complete of the second of the	MAILING DATE O ons of 37 CFR 1.136(a). In mmunication. In statutory period will apply apply will, by statute, cause the ons after the mailing date of the	F THIS COMMUN no event, however, may a and will expire SIX (6) MC the application to become A	IICATION. a reply be timely filed DNTHS from the mailing date of this (ABANDONED (35 U.S.C. § 133).				
Status							
1) Responsive to communication(s)	filed on						
2a)☐ This action is FINAL .	2b) ☐ This action	is non-final					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the meri							
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	·	•	,				
4)⊠ Claim(s) <u>1 and 2</u> is/are pending in	the application						
· · · · · · · · · · · · · · · · · · ·	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.		n concideration.					
6) Claim(s) is/are rejected.		•					
7) Claim(s) is/are objected to.							
8) Claim(s) 1-2 are subject to restrict		requirement.					
Application Papers				•			
· · ·	Ale e Francisco						
9) The specification is objected to by			hada Faratan				
10) The drawing(s) filed on is/a			* ·				
Applicant may not request that any of							
Replacement drawing sheet(s) including							
11)☐ The oath or declaration is objected	to by the Examine	r. Note the attache	ed Office Action or form P	10-152.			
Priority under 35 U.S.C. § 119	•						
12) Acknowledgment is made of a claim	m for foreign priorit	y under 35 U.S.C.	§ 119(a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:	-	,					
1. Certified copies of the priori		been received.					
2. Certified copies of the priori			Application No.				
3.☐ Copies of the certified copie				Stage			
application from the Interna							
* See the attached detailed Office ac	•	` ''	t received.				
Attachment(s)							
1) Notice of References Cited (PTO-892)	•	4) Interview	Summary (PTO-413)				
Notice of Draftsperson's Patent Drawing Review		Paper No	(s)/Mail Date				
3) Information Disclosure Statement(s) (PTO/SB/08	3)	5) Notice of Other:	Informal Patent Application				
Paper No(s)/Mail Date		o) [] Other:	 ·				

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This application contains claims directed to the following patentably distinct species of the claimed invention: the species of Figure(s) 1 versus that of Fig(s). 2 versus Fig(s). 3. Then elect among the seals of fig's. 4 v 5 v 6 v 7 v 8.

The species are independent or distinct because they contain mutually exclusive features.

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, AND A LISTING OF ALL CLAIMS READABLE THEREON (NOT, FOR EXAMPLE, "AT LEAST CLAIMS..."), INCLUDING ANY CLAIMS SUBSEQUENTLY ADDED, AND IF THE AMENDMENT OF ANY CLAIMS RESULTS IN A CHANGE OF THE SPECIES THEY READ UPON, THAT TOO SHOULD BE INDICATED. FAILURE TO DO SO MAY RESULT IN A HOLDING OF NONRESPONSIVENESS. (Note that any "schematically" illustrated elected species may not schematically represent plural embodiments varying claimed features so as to defeat restriction, unless clarified by drawing corrections, to be responsive. If those details are illustrated in other figure[s], that other figure[s] should be identified and, if there are plural embodiments, each such embodiment should be considered a separate species, and if the "schematic" figure is desired to be prosecuted, an election of one

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embodiment as the elected species should be made.) An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.¹

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

The elected species is limited to the features set forth in the elected figures, and does not include features not illustrated in those figures, or illustrated in other figures. Accordingly, applicant should review all claims to ensure that all features of the elected species are properly illustrated, as required, in order to avoid a holding that an unillustrated feature does not form part of the elected species.

¹ Applicants may wish to consider listing claims readable with care in view of the possible consequences of having to later cancel them.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lenard A. Footland, whose telephone number is (571) 272-7103.

Lenard A. Footland

Tunad A Frother

Primary Examiner

Technology Center 3600

Art Unit 3682

laf

November 17, 2006